

United States ex rel. Michael Mullen v. AmerisourceBergen Corp., et al.,
CV-10-4856 (Gershon, J.)(Tiscione, M.J.)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, and
THE STATES OF CALIFORNIA, COLORADO,
CONNECTICUT, DELAWARE, FLORIDA,
GEORGIA, HAWAII, ILLINOIS, INDIANA,
LOUISIANA, MARYLAND, MICHIGAN,
MINNESOTA, NEVADA, NEW HAMPSHIRE,
NEW JERSEY, NEW MEXICO, NEW YORK,
NORTH CAROLINA, OKLAHOMA, RHODE
ISLAND, TENNESSEE, TEXAS, and
WISCONSIN; THE COMMONWEALTHS OF
MASSACHUSETTS and VIRGINIA; and
THE DISTRICT OF COLUMBIA;
EX REL. MICHAEL MULLEN,

Civil Action No.
CV-10-4856

(Gershon, J.)
(Tiscione, M.J.)

Plaintiffs,

v.

AMERISOURCEBERGEN CORPORATION,
AMERISOURCEBERGEN SPECIALTY
GROUP, INC., INTERNATIONAL ONCOLOGY
NETWORK, ONCOLOGY SUPPLY COMPANY,
and MEDICAL INITIATIVES, INC.,

Defendants.

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STIPULATION OF DISMISSAL AND ORDER

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the September 28, 2018 Settlement Agreement (“Settlement Agreement”) between the United States, Relator Michael Mullen, and Defendants AmerisourceBergen Corporation, AmerisourceBergen Specialty Group, International Oncology Network, Oncology Supply

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Company and Medical Initiatives Inc., (collectively, the “ABC Defendants”), the Parties hereby stipulate, through their undersigned counsel, to the entry of an order (1) dismissing with prejudice all civil monetary claims asserted on behalf of the United States against the ABC Defendants for the Covered Conduct as defined in Recitals Paragraph H of the Settlement Agreement, (2) dismissing without prejudice to the United States and with prejudice to Relator Mullen all other claims against the ABC Defendants asserted on behalf of the United States by Relator Mullen, (3) dismissing with prejudice all claims asserted against the ABC Defendants on behalf of Relator Mullen under 31 U.S.C. § 3730(d) with respect to attorney’s fees, costs and expenses, and (4) dismissing with prejudice all claims asserted against the ABC Defendants on behalf of Relator Mullen in Counts Thirty-One, Thirty-Two, and Thirty-Three of his First Amended Complaint.

Dated: Brooklyn, New York

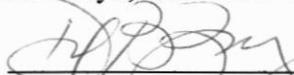
November 8, 2018

Respectfully submitted,

For the United States:

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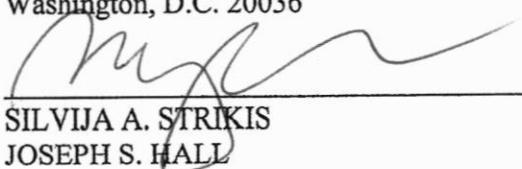
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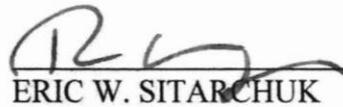
SILVIA A. STRIKIS
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JOHN J. PEASE III
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SO ORDERED:

Brooklyn, New York

_____, 2018

HONORABLE NINA GERSHON
United States District Judge, E.D.N.Y.